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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,013	09/22/2003	Roderick W. Stringwell	115575-00190	5845
27557	7590	12/10/2004	EXAMINER	
BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			FISHMAN, MARINA	
			ART UNIT	PAPER NUMBER
			2832	
DATE MAILED: 12/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/665,013	STRINGWELL, RODERICK W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marina Fishman	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/20/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***General status***

1. This is a First Action on the Merits. Claims 1 - 16 are pending in the case and are being examined.

### ***Claim Objections***

2. Claim 12 is objected to because of the following informalities: in line 8, "buttons" should be changed to --button--, as the parent claim 11, only recites one button.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 O.K. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 2, 7, 10 and 14 are rejected under 35 O.K. 102(a) as being anticipated by Minami [US 20030117255 A1 – US 6,723,930].

Minami discloses a multi-directional mirror device [Figures 1 – 6, 9] comprising:

- a button [19];
- first and second drivers [19b] position behind the button;

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- a stabilizer [20] position behind the first and second drivers; the stabilizer is square [Figure 1];
- first and second deformable projection [15] positioned behind the first and second driver;
- a first contact [220];
- a first contact plate [13], and
- wherein when a force is applied to the button the stabilizer engages the first and second drivers and the first and second deformable projections thereby displacing the first and second drivers and the first and second deformable projections in substantially a linear direction.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 O.K. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 16 are rejected under 35 O.K. 103(a) as being unpatentable over Ishimaru [US 6,069,327] in view of Minami [US 20030117255 A1 – US 6,723,930].

Ishimaru discloses a switch device comprising:

- a button [63];

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- first and second deformable projections [102, Figure 4];
- first and second drivers [Figure 4, projection underneath top surface of the button abutting top surface of deformable projection];
- a fascia [top surface of case 61, Figure 1];
- a shell [74] attached to the fascia;
- a back plate [66] attached to the shell;
- a connector shroud [lower part of 66, Figure 5], wherein the fascia includes an opening [710] for receiving the buttons;
- a first contact [98] positioned behind the first deformable projection;
- a first conductive plate [65] positioned behind the first contact;
- a first plurality of spaced apart conductor pins [109] contacting the first conductor plate;
- a second plurality of conductor pins [extension of pins 109 in the shroud area, Figure 5] for coupling with an electrical connector.

Ishimaru discloses the instant claimed invention except for a stabilizer.

Miami, discloses a stabilizer [20] positioned between a driver [19b] and a deformable projection [15]. It would have been obvious to one of ordinary skill in

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the art to provide a stabilizer between the driver and the deformable projection, in the switch device of Ushimaru, as suggested by Minami, in order to turn on one or both switches at the same time. When a force is applied to the button the stabilizer engages the first and second drivers and the first and second deformable projections thereby displacing the first and second drivers and the first and second deformable projections in substantially a linear direction [Figures 3, 9].

Regarding Claims 6-8, the plate [86] with deformable projections are positioned in a circle, and has a hole in the middle. Also, Ushimaru discloses a lamp [106] and therefore, it would be obvious to provide stabilizer plate with circular shape to match the positions of the deformable projection or rectangular shape to match the shape of the plate [86]. It would also be obvious to provide a square opening in the center of the stabilizer so that the bulb can be projected through the opening. Regarding Claim 9, providing four cut-outs extending from the corners of the square opening is an obvious matter of design choice, Applicant has not shown any criticality in providing such cut-outs.

Regarding Claims 10, 13 and 16, the switch disclosed is a mirror switch [Ushimaru, column 1, lines 10-15]. Regarding Claim 11, Ushimaru discloses a square button [63]. It would have been an obvious matter of design choice to provide a circular button in place of a square button.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maeda et al. [Us 5,426,275]. Applicant also should

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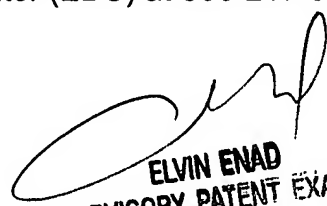
consider Maeda et al. reference in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman  
December 6, 2004

  
**ELVIN ENAD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**  
12/7/04